



DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
C/O SOUTH FLORIDA WATER MANAGEMENT DISTRICT  
P.O. BOX 24680  
WEST PALM BEACH, FLORIDA 33416-4680



REPLY TO  
ATTENTION OF

Construction-Operations Division  
Regulatory Branch  
South Permits Section  
Regional General Permit SAJ-74

13 APR 1996  
30 APR 1996

DEPARTMENT OF THE ARMY PERMIT

ISSUANCE OF REGIONAL GENERAL PERMIT SAJ-74 FOR:

30 APR 1996

Residential and Commercial Fill in  
Bird Drive Everglades Basin  
Dade County, Florida

Upon recommendation of the Chief of Engineers, pursuant to Section 404 of the Clean Water Act, general authority is hereby given to Dade County Department of Environmental Resources Management (DERM) to administer this permit for residential and commercial development on property within the Bird Drive Everglades Basin in accordance with the following special conditions:

SPECIAL CONDITIONS FOR RESIDENTIAL AND COMMERCIAL DEVELOPMENT  
IN THE BIRD DRIVE EVERGLADES BASIN

1. This permit applies to residential and commercial construction, including their appurtenant structures and driveways, in specified portions of Township 54 South, Range 39 East, Sections 3, 4, 9, 10, 16, 20, 29, and 32, Dade County, Florida (see attached map).
2. There is no minimum or maximum size limitation on this permit.
3. Only clean fill and rock material compatible with existing soils shall be used (e.g., soil, rock, sand, marl, clay, stone, and/or concrete rubble).
4. Wetland impacts for excavation and/or filling will be offset by the contribution of \$28,480 per acre at a ratio of 1.5 acres of mitigation for each acre of impact to the aquatic environment (including wetlands) to the "Freshwater Wetland Mitigation Trust Fund" of Dade County prior to development. This fund will be used to enhance wetlands in the "Hole-in-the-Donut" located in portions of Township 58 South, Ranges 36

and 37 East, Dade County, Florida and to acquire, restore, enhance, manage or monitor wetlands in Dade County, Florida, that are approved by representatives from the agencies that participated in the Bird Drive Special Area Management Plan.

5. The per acre monetary contribution will be reviewed and adjusted on an annual basis when the final contracts for performing the work in the Everglades National Park are executed and better cost numbers are available.

6. Owners of properties inside the basin and outside the Urban Development Boundary Line may participate in the "Hole-in-the-Donut" mitigation plan, however, permits will be subject to a site-by-site review at all levels of government. If the Corps determines that a permit will be issued, the mitigation required may vary from that provided for areas covered by this Regional General Permit.

7. During permit evaluation, the Dade County Department of Environmental Resources Management (DERM) will determine if tree islands are present on the property and a Phase I archeological and historical survey will be conducted on the tree islands. This information will be provided to the state Historic Preservation Officer and the U.S. Army Corps of Engineers so that measures can be identified to avoid, minimize or mitigate adverse impacts to historic properties listed, or eligible for listing in the *National Register of Historic Places*, or otherwise of historical or archeological value.

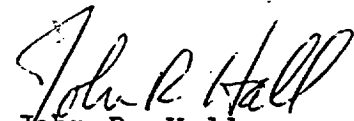
8. A report shall be submitted quarterly to the Jacksonville District Office on the number of projects authorized by this general permit. A yearly report will be submitted by DERM outlining the results of the offsite mitigation. This will include the number of acres enhanced and the location of the mitigation sites.

9. No discharge will be authorized under this general permit which would adversely affect Federally listed threatened or endangered plant or animal species.

10. This general permit is valid for five (5) years unless suspended or revoked by issuance of a public notice by the District Engineer. Reviews will be conducted to determine if continuation of this permit is in the general interest of the public.

11. The District Engineer reserves the right to require that any request for authorization under this general permit be processed as an individual permit.

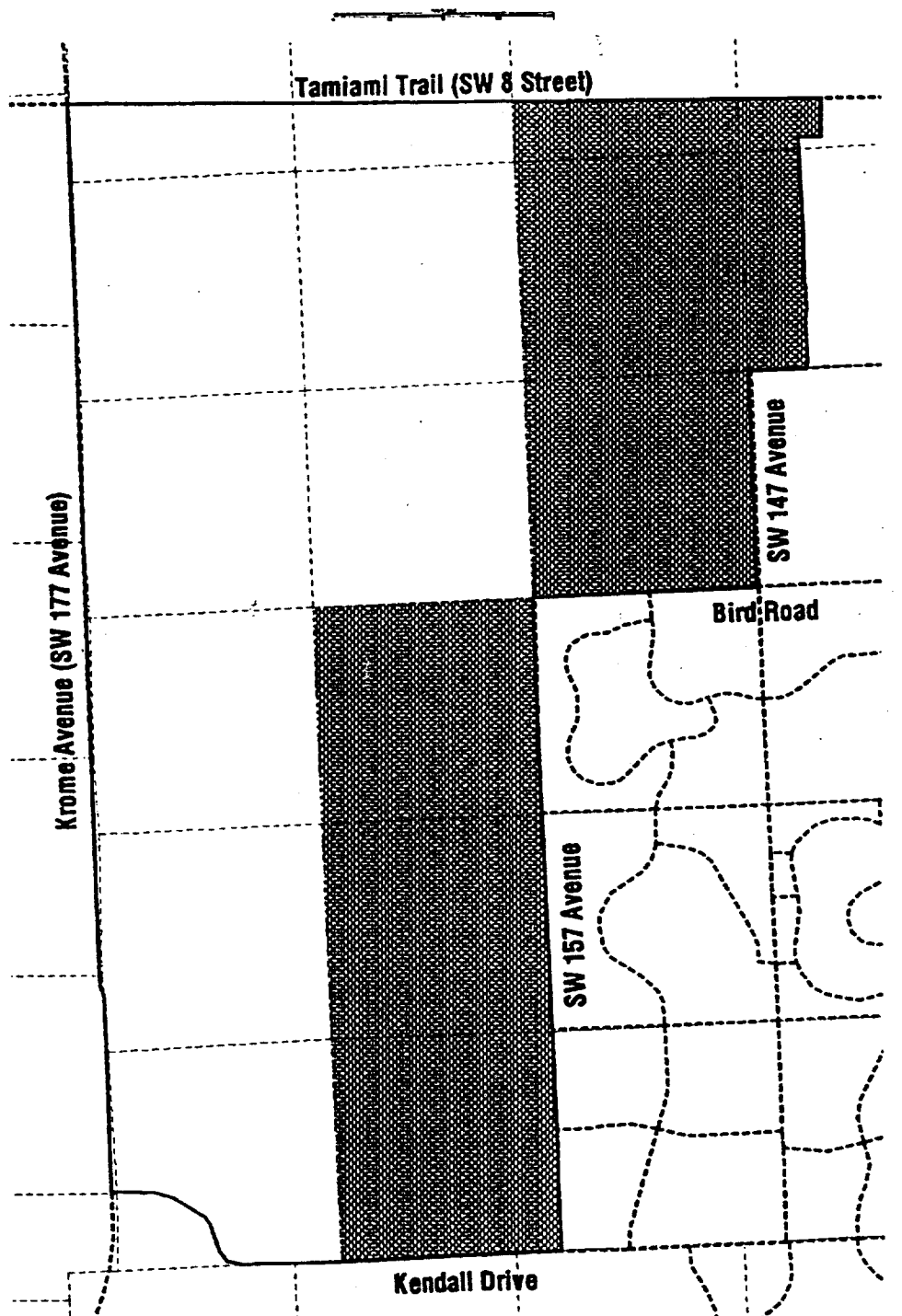
12. The attached General Conditions are made a part of this permit.

A handwritten signature in cursive script, reading "John R. Hall".

John R. Hall  
Chief, Regulatory Branch

# Bird Drive Everglades Basin

## GP-74



 Section Boundaries  Boundary of the Bird Drive Everglades Basin  Area Affected by GP-74  
 Major Roads

GENERAL CONDITIONS

a. That all activities identified and authorized herein shall be consistent with the terms and conditions of this permit; and that any activities not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this permit which may result in the modification, suspension or revocation of this permit, in whole or in part, as set forth more specifically in General Condition "j" hereto, and in the institution of such legal proceedings as the United States Government may consider appropriate, whether or not this permit has been previously modified, suspended, or revoked or not this permit has been previously modified, suspended, or revoked in whole or in part.

b. That all activities authorized herein shall, if they involve a discharge or deposit into navigable waters or ocean waters, be at all times consistent with applicable water quality standards, effluent limitations and standards of performance, prohibitions, and pretreatment standards established pursuant to Sections 301, 302, 306, 307 of the Federal Water Pollution Control Act of 1972 (P.L. 92-500; 86 Stat. 816), or pursuant to applicable State and local law.

c. That when the activity authorized herein involves a discharge or deposit of dredged or fill material into navigable waters, the authorized activity shall, if applicable water quality standards are revised or modified during the term of this permit, be modified if necessary, to conform with such revised or modified water quality standards within 6 months of the effective date of any revision or modification of water quality standards, or as directed by an implementation plan contained in such revised or modified standards, or within such longer period of times as the District Engineer, in consultation with the Regional Administrator of the Environmental Protection Agency, may determine to be reasonable under the circumstances.

d. That the permittee agrees to make every reasonable effort to prosecute the construction or work authorized herein in a manner so as to minimize any adverse impact of the construction or work on fish, wildlife, and natural environmental values.

e. That the permittee(s) agree to prosecute the construction or work authorized herein in a manner so as to minimize any degradation of water quality, and comply with the Florida Department of Environmental Protection or any State Water Management District requirements and criteria.

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f. That the permittee shall permit the District Engineer or his authorized representatives(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.

g. That the permittee shall maintain the structure or work authorized herein in good condition and in accordance with the plans and drawings that are approved.

h. That this permit does not convey any property rights, either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to property or invasion of rights or any infringement of Federal, State or local laws or regulations, nor does it obviate the requirement to obtain State or local assent required by law for the activity authorized herein.

i. That this permit does not authorize the interference with any existing or proposed Federal project and that the permittee shall not be entitled to compensation for damage or injury to the structures or work authorized herein which may be caused by or result from existing or future operations undertaken by the United States in the public interest.

j. That this permit may be either modified, suspended, or revoked in whole or in part, if the Secretary of the Army or his authorized representative determines that there has been a violation of any of the terms or conditions of this permit or that such action would otherwise be in the public interest.

k. That in issuing approval to perform work under this permit, the Government has relied on the information and data which the permittee has provided in connection with his application. If, subsequent to the issuance of approval, such information and data prove to be false, incomplete, or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part and/or the Government may, in addition, institute appropriate legal proceedings.

l. That any modification, suspension, or revocation of this permit shall not be the basis for any claim for damages against the United States.

m. That no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable

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waters at or adjacent to the activity authorized by this permit.

n. That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.

o. That this permit does not authorize or approve the construction of particular structures, the authorization or approval of which may require authorization by the Congress or other agencies of the Federal Government.

p. That if and when the permittee desires to abandon the activity authorized herein, unless such abandonment is part of a transfer procedure by which the permittee is transferring his interests herein to a third party pursuant to General Condition "s" hereof, he must restore the area to a condition satisfactory to the District Engineer.

q. That if the recording of this permit is possible under applicable State or local law, the permittee shall take such action as may be necessary to record this permit with the Registrar of Deeds or other appropriate official charged with the responsibility for maintaining records of title to and interests in real property.

r. That there shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein.

s. That authorization under this permit may not be transferred to a third party without prior written notice to the District Engineer by the transferee's written agreement to comply with all terms and conditions of this permit. In addition, if the permittee transfers the interests authorized herein by conveyance of realty, the deed shall reference this permit and the terms and conditions specified herein and this permit shall be recorded along with the deed with the Registrar of Deeds or other appropriate official if law permits.

t. The term "permittee" means the party or parties authorized by the District Engineer to accomplish work under this general permit.